

5255. **Adulteration and misbranding of apple cider.** U. S. * * * v. **John F. Morehead and Frederick W. Morehead (Los Angeles Fruit Products Co.).** Pleas of guilty. Fine, \$20. (F. & D. No. 7665. I. S. No. 2368-1.)

On November 21, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Morehead and Frederick W. Morehead, trading as the Los Angeles Fruit Products Co., St. Louis, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 8, 1915, from the State of Missouri into the State of Georgia, of a quantity of apple cider which was adulterated and misbranded. The article was labeled in part: "Mission Brand Apple Cider. Fortified with Sugar, Tartaric Acid added, Non-intoxicating * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	4.64
Solids (grams per 100 cc)-----	13.15
Nonsugar solids (grams per 100 cc)-----	1.60
Sucrose by copper (grams per 100 cc)-----	10.31
Reducing sugar as invert before inversion-----	1.24
Ash (gram per 100 cc)-----	0.15
Fixed acid, as tartaric (gram per 100 cc)-----	0.23
Total tartaric acid (gram per 100 cc)-----	0.17

This product consists essentially of an apple cider to which water, sugar, and tartaric acid have been added.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for apple cider, which the article purported to be.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein appearing on its label, to wit, "Apple Cider. Fortified with Sugar, Tartaric Acid added," were false and misleading in that they indicated to purchasers thereof that the said article was apple cider which had been fortified with sugar, and to which tartaric acid had been added; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it was apple cider which had been fortified with sugar and to which tartaric acid had been added, when, in truth and in fact, it was not, but was, to wit, apple cider, which had been diluted with water and to which sugar and tartaric acid had been added. Misbranding was alleged for the further reason that the statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "Non-intoxicating," was false and misleading in that it indicated to purchasers thereof that the said article would not cause intoxication; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead purchasers into the belief that it would not cause intoxication, when, in truth and in fact, the said article might cause intoxication, as it consisted of, to wit, a fermented product containing approximately 4.64 per cent of alcohol by volume.

On December 11, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

R. A. PEARSON, *Acting Secretary of Agriculture.*